



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

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California Coastal Commission
c/o Sea level Rise Work Group
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Email: SLRGuidanceDocument@coastal.ca.gov

RE: Draft Sea Level Rise Policy Guidance

Dear Ms. Papendick:

Thank you for the opportunity to comment on the Coastal Commission's Draft Sea Level Rise Policy Guidance document. We appreciate the Coastal Commission's work in developing guidance relative to analysis and appropriate treatment of sea level rise. We have strong concerns about the feasibility of implementing some of the suggestions concerning existing development. In addition, we offer the following specific comments on the draft document.

Chapter IV: Addressing Sea Level Rise in Local Coastal Programs

- The direction specified in Step 1 requests that jurisdictions modify the range of sea level rise projections specific for their region to account for local conditions. The guidance document should provide more information on how jurisdictions should modify the region specific projections to account for local conditions, including examples of local conditions that should be considered in the projections.
- The discussion in the Adaptive Capacity, Consequences, and Land Use Planning Options and Constraints Sections under Step 3 should be located under Section 4, as this information is more a part of the response rather than an assessment of risk to sea level rise impacts.
- The discussion for identifying adaptation measures to minimize risks in Step 4 lacks guidance for the role of the public process in updating a certified LCP. Additionally, it would be helpful to include examples of adaptation methods in the guidance document.
- In general, the suggestions in Section 4 that would affect existing development will be much more challenging to apply than for vacant land. The guidance document should include a robust discussion for each of the suggested updates to development standards in the LCP. The direction specified in Step 4.1 suggesting changes to the LCP for planning and locating new development lacks guidance for built out areas where their uses can become nonconforming and can lead to potential legal issues associated with this suggestion. The discussion on updating development standards to include language for converting vulnerable areas to conservation or open space site by allowing and encouraging retirement or transfer of developments rights on private property

subject to sea level rise raises questions as to whether this type of development standard will be supported by Coastal Commission.

- We are concerned about the feasibility regarding the direction under Step 4.1 to: 1) limit subdivision in areas vulnerable to sea level rise by prohibiting certificates of compliance (COC) since COCs simply recognize legal lots, rather than create them; and 2) the direction to consider a shorter development life for constrained lots. Additionally, we are concerned about potential legal issues, including takings claims, associated with the suggestion to limit expansion and redevelopment of non-conforming or other land uses in hazardous areas.
- The direction specified in Step 4.1 concerning limiting development near vulnerable water supplies isn't clear. Does this include private wells?
- The discussion of suggested changes to existing LCPs under Step 4.5 states that existing LCP agriculture policies may need to be updated to include policies limiting the conversion of non-prime agricultural land and establishing incentives for conservation easements. It is unclear how these policies will protect agriculture given sea level rise projections.
- The suggested action under Step 4.5 to minimize impacts by identifying and rezoning areas suitable for future agricultural production to replace areas lost to sea level rise seems impractical. Because most counties originally used an agricultural zoning as a catch-all for all non-developed land, there will be little opportunity to rezone additional agricultural land.
- The direction to add policies to protect archeological and paleontological resources from sea level rise in Step 4.7 should include language regarding the significance of the resource.
- The discussion of Scenic Resources in Step 4.8 is not very specific; the guidance document should provide more information on what visual impacts may occur with sea level rise.
- The discussion under Step 5 for updating LCPs and obtaining certification with the Coastal Commission does not characterize the process accurately and should provide more details on the certification process.

Chapter V: Addressing Sea Level Rise in Coastal Development Permits:

- The discussion of expected project life or design life in Step 1 states that the proposed life of a project may need to be shortened if the project site is constrained by hazards such that development cannot be sited and designed to be safe for a 50 or 75 year design life without reliance on protection efforts or impacts to coastal resources. The guidance document should provide more information on how jurisdictions could implement such a recommendation, due to the potential legal issues associated with this suggestion.
- The direction specified in Step 3 requests analysis beyond the scope of potential project impacts. For instance, under Public Access and Recreation, the Guidance Document states that all public access locations on or near the proposed project should be identified, and that impacts to those access points from sea level rise should be determined. Similarly, the Coastal Habitats section specifies that all coastal habitats on or near the proposed project site need to be identified, and impacts to those habitats on and offsite from sea level rise need to be analyzed. This same issue applies to the analysis requested for Scenic Resources.
- Under the Agricultural Resources and Water Quality sections of Step 3, the Guidance Document stipulates that necessary submittal information includes estimation of the likely future elevation of groundwater, whether groundwater changes will alter proposed site conditions, and whether drainage patterns will change with rising sea level. These requirements are not feasible or appropriate at the level of individual Coastal Development Permits.

Again, thank you for the opportunity to comment on this proposed guidance document. If you have any questions please contact Heather Allen, Associate Planner, at (805) 884-8082 or hallen@countyofsb.org.

Sincerely,

A black rectangular redaction box covers the signature of Glenn S. Russell. There are some faint blue ink marks around the box, possibly from a pen or pencil.

Glenn S. Russell, PhD., RPA, Director
Planning and Development Department

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